

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

YOUNG BOK SONG	]	
Plaintiff,	]	
	]	
v.	]	No. 3:09-0253
	]	Judge Campbell
STEVE RANDOLPH DOZIER	]	
Defendant.	]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Northeast Correctional Complex in Mountain City, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Steve Dozier, a Criminal Court Judge in Davidson County, seeking declaratory, injunctive and monetary relief.

On August 12, 2004, a jury in Davidson County found the plaintiff guilty of raping a child and aggravated sexual battery. For these crimes, he received an aggregate sentence of sixty five (65) years in prison. Docket Entry No.1 at pgs.278-290.

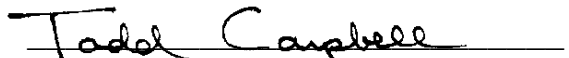
Prior to trial, the plaintiff moved the court for the appointment of an interpreter to assist the defense. *Id.* at pg.179. The defendant, as presiding judge, denied the motion. *Id.* at pgs.182-186. The plaintiff believes that, without the assistance of an interpreter, he was denied a fair trial.

In order for the plaintiff to obtain § 1983 relief for an allegedly unconstitutional conviction or confinement, he must first

prove that the conviction or confinement has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such a determination, or called into question by a federal court's issuance of a writ of habeas corpus. Heck v. Humphrey, 512 U.S. 477 (1994). The plaintiff has offered nothing to suggest that his conviction has already been declared invalid. Therefore, the plaintiff's claims are not yet cognizable in a § 1983 action.

The plaintiff has failed to state a claim upon which § 1983 relief may be granted. Under such circumstances, the Court is obliged to dismiss this action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

  
Todd Campbell  
United States District Judge